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## BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION  
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DOCKETED BY

COMMISSIONERSKRISTIN K. MAYES - Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMPIN THE MATTER OF MIDVALE TELEPHONE  
EXCHANGE INC.'S APPLICATION FOR AN  
AMENDMENT TO ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. T-02532A-08-0542

PROCEDURAL ORDER**BY THE COMMISSION:**

On October 17, 2008, Midvale Telephone Exchange Inc. ("Midvale") filed with the Arizona Corporation Commission ("Commission") an application for an amendment to its Certificate of Convenience and Necessity ("CC&N"), to include customer locations within Qwest Communication Corporation's ("QCC's") service area. In the application, Midvale stated that it desires Commission authorization to provide facilities-based local exchange service and toll service to two currently unserved customers located in an area of Yavapai County immediately contiguous to the Long Meadows portion of Midvale's Mill Site Exchange ("extension area").

On November 12, 2008, Qwest Corporation ("Qwest") filed a notice indicating that it had accepted service of process of Midvale's application, as it is Qwest rather than QCC that provides local exchange telecommunications services in the extension area. Qwest also requested that the service list for this matter be revised to include Qwest and exclude QCC.

On November 14, 2008, the Commission's Utilities Division Staff ("Staff") issued a Letter of Insufficiency to Midvale, along with a request for additional data.

On May 7, 2010, a Procedural Order was issued requiring Staff to file an update on the status of this matter, including any appropriate recommendations as to how the matter should be resolved and a statement regarding whether the matter should be administratively closed.

On May 12, 2010, Midvale filed an amended application, in which Midvale continued to identify QCC as the holder of the service area in which the extension area is located. Midvale stated that the amendment changed the description of the extension area and provided updated loop/line

1 counts. On May 24, 2010, Midvale filed the attachments that it had referenced in its amended  
2 application. The attachments revised the legal description for the extension area.

3 On May 26, 2010, Staff filed a Staff Update stating that Staff was reviewing Midvale's  
4 application and would process it.

5 On June 14, 2010, Midvale filed Responses to Staff's First Set of Data Requests.

6 On June 29, 2010, Staff filed a Letter of Sufficiency stating that Midvale's amended  
7 application had met the sufficiency requirements of A.A.C. R14-2-502 and that the Commission has  
8 150 calendar days to complete its substantive review.

9 Although Qwest has accepted notice of the application in this matter and has requested to be  
10 included on the service list, it appears that Qwest does not intend to participate as a party herein.  
11 Because Midvale's amended application (like its original application) makes assertions regarding  
12 Qwest's position in this matter and, if granted, would result in deletion of the extension area from  
13 Qwest's service area, Qwest has a material interest in the outcome of this matter and will be directly  
14 impacted by it. Thus, it appears that it would be appropriate for Qwest to participate in this matter as  
15 a party. Indeed, Midvale's assertions as to Qwest's support raise the question why the application  
16 (originally and as amended) was not a joint application from both Midvale and Qwest.<sup>1</sup> Because  
17 Qwest will be directly impacted by the outcome of this matter, and the evidentiary record herein will  
18 be incomplete unless Qwest participates herein, it is appropriate to require Qwest to make a filing  
19 either requesting to be added to this docket as a joint applicant or explaining why it is not necessary  
20 to have Qwest participate as a party herein. In addition, it is appropriate to extend the Commission's  
21 time frame to issue a Decision in this matter to accommodate the time necessary to obtain Qwest's  
22 filing.

23 **IT IS THEREFORE ORDERED that Qwest shall, by July 30, 2010, file a document either**  
24 **requesting to be added to this docket as a joint applicant or explaining why it is not necessary**  
25 **for Qwest to participate as a party herein.**

26  
27  
28 <sup>1</sup> Qwest has applied jointly in at least one other case where territory was to be removed from Qwest's service area and added to the CC&N service area of another company. See Decision No. 70641 (December 17, 2008).

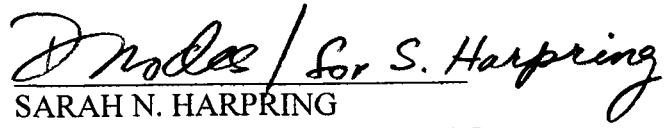
IT IS FURTHER ORDERED that Midvale and Staff each may, by July 30, 2010, make a filing providing input on the need for Qwest to participate as a party herein.

IT IS FURTHER ORDERED that the Commission's **time frame** to issue a decision in this matter is hereby **extended by 30 days**.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 15<sup>th</sup> day of July, 2010.

  
SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 15<sup>th</sup> day of July, 2010 to:

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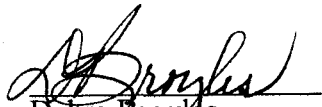
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By:   
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Secretary to Sarah N. Harpring